



COMMONWEALTH of VIRGINIA

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COMPTROLLER

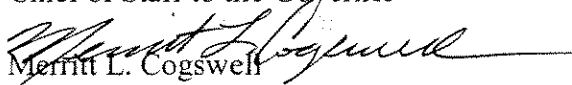
Office of the Comptroller

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May 23, 2005

MEMORANDUM

TO: The Honorable William H. Leighty
Chief of Staff to the Governor

FROM: 
Merritt L. Cogswell
State Internal Auditor

SUBJECT: State Employee Fraud, Waste, and Abuse Hotline Report

Introduction

We have completed our investigation into allegations received through the State Employee Fraud, Waste, and Abuse Hotline against the Chairman of the Board, the Executive Director, and other employees of the Department of Game and Inland Fisheries. These allegations included:

- Retaliation and intimidation against individuals suspected of contacting the Hotline or cooperating with the Hotline investigation;
- Inappropriate use of state resources;
- Inappropriate small purchase charge card purchases;
- Pre-selection of individuals for promotion and non-compliance with various DHRM policies;
- Instances of the appearance of conflict of interest;
- Lack of adequate controls over expenditures and items field tested; and
- Non-compliance with Code of Virginia and the state financial accounting policy (CAPP Manual) requirements.

The scope of our review was limited to investigating the allegations rather than fully analyzing the system of internal control within the agency. Therefore, the review procedures were limited to inquiry of personnel and review of relevant policies, procedures, and documentation. It should be pointed out that there were scope limitations that impacted the effectiveness of the investigation. These included the fact

that material requested through FOIA was provided to news agencies, which resulted in numerous newspaper articles, also the Board Chair was provided a copy of the allegations made to the Hotline, which we were told was distributed within the agency. At the same time, it is our opinion that certain individuals were being intimidated and retaliated against for cooperating with us.

Many of the individuals that we interviewed indicated that the current direction of the agency was better than it had ever been, game wardens were better equipped than ever, and a lot of good things have taken place under the current director. But many also believe that cronyism, the Africa trip, and a lack of policies and procedures or non-compliance with them, have undermined all the good that has been accomplished since Mr. Woodfin became the Director.

The control environment is the foundation of an effective internal control system that serves to ensure that the agency is meeting its objectives, and doing so effectively and efficiently and in compliance with all laws and regulations. It sets the tone of the organization and influences the control consciousness of its people.

The "tone at the top" appears to be one of abuse by some members of senior management and disregard of Commonwealth of Virginia laws and policies. There is a great deal of distrust among the Law Enforcement Division game wardens, not only against that division but also Department leadership. This has been exacerbated by the lack of oversight or direction provided by the current and previous boards.

Integral to a good internal control system are the documented policies and procedures that help ensure board and management directives are carried out. These control activities include approvals, authorizations, safeguarding of resources, and process methodologies. Management is responsible for ensuring that this information is communicated to all staff, and that the agency is in compliance with all laws, regulations, policies, and procedures.

One expenditure compliance issue that will be referred to several times in this report is the state financial accounting policy contained in the Commonwealth Accounting Policies and Procedures (CAPP) Manual Section 20310, "Expenditures." This Section states in part "Agency purchases must be considered essential to the operation of the agency and in support of the agency's mission to justify the use of State funds. Since all State-funded expenditures are subject to public scrutiny, agencies should consider the appearance of unusual purchases on the agency and on State government in general prior to authorization."

Should you have any questions regarding this report, please do not hesitate to contact me. It is requested that a response with corrective action planned or taken be provided to this office by **May 27, 2005**.

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Executive Summary

The most serious issues noted during the investigation were:

- The Board's not adequately performing due diligence and fiduciary responsibilities;
- Lack of documented policies and procedures;
- Management override of policies and procedures;
- Retaliation and intimidation meted out against employees;
- Use of state property for personal use;
- Potential conflict of interest between the Board Chair and agency employees;
- Hiring, promotion, and staffing decisions; and
- Purchasing practices.

The Board has:

- Condoned using state resources for personal use by reimbursing DGIF for agency equipment taken and used on a personal trip to Africa by then Board Chair Daniel Hoffler, Agency Director William Woodfin, then Major and now Colonel Terry Bradbery, and then Captain and now Major Michael Caison;
- Apparently condoned the use of an Executive Protection Unit to protect Board members at meetings and dove hunts when other state agencies have no such unit; and
- Members who have attended hunting show conventions at agency expense during a time of budgetary constraints.

These issues indicate that the Board lacks an understanding of their fiduciary responsibilities and due diligence to address inappropriate behavior by board members and agency staff. Consideration should be given to changing the members of the Board.

Mr. Woodfin has:

- Been heard at various times talking about getting rid of individuals who were providing information in FOIA requests;
- Used state property for a personal trip to Africa;
- Been given gifts by the former Board Chair but does not see any potential conflict of interest;
- Requested a personal video of the former Board Chair be edited on state time;
- Authorized the Executive Protection Unit to drive from Southwest Virginia to the Rappahannock River to "bump into" [REDACTED];
- Appointed himself and spent or had spent over \$13,000 to equip himself as a game warden;
- Been granted an exception from training by the Department of Criminal Justice Services, but apparently not understood the need to have basic training prior to being able to safely use an automatic rifle and four pistols assigned to him; and
- Attended several hunting equipment conventions at a time of budgetary constraints.

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Therefore we recommend he be held accountable for his actions.

Colonel Bradbery has:

- Retaliated against a [REDACTED] twice for exercising his freedom of speech and for something that was done as [REDACTED], not the individual's DGIF duties;
- Sought to intimidate game wardens by stating that he would find out who was supplying information to individuals presenting FOIA requests and get rid of them;
- Stated that he will demote an individual because he can, not because the individual was inadequately performing their job;
- Sought to undermine a private association of Virginia game wardens by disapproving their inclusion in the Northeastern Fish and Wildlife Conference; the association had previously volunteered its services and money to [REDACTED], and had been asked to assist by [REDACTED];
- Used state property for a personal trip to Africa;
- Been given gifts by the former Board Chair but does not see any potential conflict of interest;
- Allowed his administrative assistant to sell items for his personal "hobby" during her workday;
- Supervised a flawed promotion process for two majors;
- Attended several hunting equipment conventions at a time of budgetary constraints;
- Authorized the beginning salaries of employees at a rate contrary to DHRM policy and Human Resources advice; this decision worsened an already serious salary alignment issue; and
- Added a recruiter position and placed his administrative assistant in the position without regard for her abilities as a recruiter, EEO policies, or other staff (game wardens) who may have been more qualified.

Therefore we recommend he be held accountable per DHRM policies and procedures.

Major Caison has:

- Used state property for a personal trip to Africa;
- Been given gifts by the former Board Chair and had personal business relationships with that Chair but does not see any potential conflict of interest;
- Used state time to oversee the editing process of a personal video of Mr. Hoffler's;
- Used state property for a personal business;
- Used state funds to make purchases for a dove hunt at Mr. Hoffler's home;
- Requested 2 PWCs and an ATV be kept at Hoffler's home;
- Attended several hunting equipment conventions at a time of budgetary constraints; and
- Provided justification for the purchase of a \$31,000 vehicle with unjustifiable anticipated mileage.

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Therefore we recommend he be held accountable per DHRM policies and procedures.

General Recommendations: These are based on observations and control issues that came to our attention during this investigation.

General Recommendation # 1 – Board Due Diligence and Fiduciary Responsibility

DGIF Board policy states its responsibilities include:

- Oversight and review of agency operations;
- Appoint the agency director and ensure that the director complies with all Board and statutory directives; and
- Through comprehensive planning, integrated management and Board overview, establish where funds and efforts can best be used to register progress in attaining stated goals and measurable objectives in the best interest of the Commonwealth and its people.

As a supervisory Board, the DGIF Board has a responsibility to set the appropriate “tone at the top,” provide oversight, direction and guidance to management. As such, the Board should hold management accountable for ensuring that resources are used economically and efficiently, assets are safeguarded, and the agency is complying with all laws, rules, regulations, policies, and procedures. That being said, we realize that it is difficult for volunteer members of a supervisory board to stay abreast of all the policies, laws, regulations, etc., for which they have responsibility. We suggest that some consideration be given to initiating legislation to make the Board a Policy Board rather than a Supervisory Board. The agency head would then be appointed by the Governor.

In the closed session at the Board meeting in Virginia Beach on 10/21/04, three individuals who stated they were in attendance during the closed session have indicated that Mr. Hoffler and Mr. Woodfin spoke regarding the FOIA requests that had been made. Mr. Hoffler allegedly said that the agency was going to find which employees were leaking information to the FOIA requestors and get rid of them. Another Board member said that the agency should look for notes on employees’ desks or emails. The other Board members allegedly expressed support for dealing with the problem surrounding the FOIA requests and employees leaking the information.

One Board member who spoke with us thought Mr. Hoffler and Mr. Woodfin were merely providing information and not seeking a response as to appropriate action to be taken by the agency. Two other Board members that we spoke with stated that there was discussion of a FOIA request and how Mr. Woodfin was expected to handle it; however, they stated that there were no overt threats made against any employees. We were also told that the agency’s Attorney General representative was not present for this meeting. Since this was a closed session, there are no minutes of the meeting available.

If in fact, the Board condoned retaliatory intent suggested by Mr. Hoffler, another Board member, and Mr. Woodfin, the Board has avoided its responsibility to provide appropriate direction and guidance to management.

Mr. Hoffler could not recall much from the meeting, however, he did say that there may have been some discussion of the large FOIA request that the agency had received, and that someone within the agency is probably providing information to the requestors, to include possible confidential information. But he could not provide details. When asked whether there were any threats made against any agency employees, Mr. Hoffler said, "absolutely not, none at all!" He did not recall any discussion like that.

Subsequent to the 12/25/04 Richmond Times Dispatch article, the Board reimbursed DGIF \$14,600 for purchases that appear to have been made by employees relative to the trip to Africa in September 2004 taken by Mr. Woodfin, Major Caison, Colonel Bradbery and Mr. Hoffler. The Board Chair also established a three-person committee of the Board to review AMEX procurement procedures.

There were no Board meetings between 10/21/04 and 3/24/05. However, as directed by the Chair, the AMEX sub-committee did meet in February 2005.

The Board has seen the Executive Protection Unit (EPU) at Board meetings and at Hoffler's estate but has not expressed public concern about the unit.

Board members Hoffler, Cecil Campbell, and/or John Montgomery have attended in the 2003-2004 period 5 hunting show conferences at agency expense of \$6,020.31. Although it may be considered appropriate for Board members to attend these, conferences and conventions, the costs could be questioned during a time of budget constraints.

By reimbursing the agency for inappropriate purchases made by agency management, the Board has acknowledged the inappropriate use of state funds for the Africa trip rather than hold the Board Chair and management accountable for its actions. By not calling a special meeting to assess the problems at DGIF, the Board has portrayed a laissez faire attitude toward the whole situation. By apparently condoning the use of the EPU for Board meetings and other uses, the Board is effectively saying that that is an appropriate use of a game warden's time. By attending the hunting show conventions during a time of budgetary constraints Board members do not appear to have been concerned about the financial issues then facing the agency or the Commonwealth.

The Board and management have a due diligence and fiduciary responsibility as it relates to operations of DGIF. When issues are brought to its attention, due diligence (some effort) should be made to determine whether the agency is addressing the issues identified. The Board is not just responsible to ensure that procedures are updated but that corrective action is taken timely as necessary. In other words, the Board has the responsibility of holding the agency's management accountable for its actions. It is also responsible for conducting its own actions in an uncompromising light.

The Board also has a fiduciary responsibility to ensure that constituents of the agency can trust the operations of DGIF.

The Board should be held accountable for supporting retaliatory intent suggested by Mr. Hoffler and another Board member, for being in non-compliance with the Freedom of Information Act, for condoning the use of state resources for a personal trip, for not holding agency officials and the Board Chair accountable for actions performed, for condoning the use of the EPU, and for not adhering to its fiduciary responsibility to safeguard agency assets during a time of budgetary constraints.

General Recommendation #2: Employees Who Have Contacted the State Employee Hotline

The Board should reiterate to management that any attempt on the part of anyone to seek to identify, or assume that certain individuals have contacted the State Employee Hotline, or cooperated with this investigation, is in violation of Executive Order #24. There can be no adverse actions, retaliation, or appearances thereof, taken against any individuals suspected of cooperating with this investigation. Should this happen, appropriate disciplinary action should be taken against responsible individuals.

General Recommendation #3: Human Resources Authority

Human Resources should be given the authority to review and assess agency compliance with DHRM policies. They should formally approve/certify that all personnel actions are in accordance with the Agency Salary Administration Plan (when approved) and DHRM guidelines. All human resource functions should be centralized under the authority of the Human Resources Director.

General Recommendation #4: Internal Audit Function

Given the size of the agency, the amount of non-general funds generated, federal funds received, and federal and state regulations required to be followed and enforced, we recommend that DGIF consider establishing an internal audit function that reports directly to an audit committee of the Board.

General Recommendation #5: Procurement Policies and Training

The agency should have a clear set of procurement policies, to include the use of AMEX cards, required reviews, approvals and reconciliations. Training should be provided to AMEX cardholders and applicable supervisors to ensure they understand what items are and are not allowed to be purchased, and the proper review and oversight requirements. Timely corrective or disciplinary action should be carried out against individuals for making inappropriate purchases. DGIF should also consider implementing the Board's Procurement Review Committee's recommendations as they pertain to AMEX small purchase charge card purchases.

General Recommendation #6: Equipment Usage

One individual we interviewed indicated that items are often borrowed by DGIF staff and volunteer instructors from Outdoor Education and later returned: for example, gun cases, animal traps, tarps, outdoor cooking gear, and a Dutch oven. But there is no sign out sheet for items taken. DGIF should establish policies for obtaining equipment from inventory (Outdoor Education or Law Enforcement), including signing in and out of the

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equipment. Equipment loaned should be for agency-related activities and not personal activities. The inventory records should be kept up-to-date regarding equipment location. This will improve controls and accountability over agency resources.

General Recommendation #7: Documented Policies and Procedures

DGIF should have documented policies and procedures that are consistently and equitably applied to the entire agency; this will serve to improve the control environment and protect agency resources. Furthermore, this will go a long way toward regaining the trust of the constituents that DGIF serves, and that of all agency employees. Examples of areas where policies need to be established or strengthened include: purchasing, uniform and personal equipment requirements, vehicle and related equipment requirements, field testing of clothing and equipment, and the Agency Salary Administration Plan.

General Recommendation #8: Equipment and Uniform Contractual Agreements

Once DGIF establishes or clarifies its standard uniform and equipment policy, the agency should consider putting contracts out for bid for standardized equipment and uniform purchases. There should also be an approval process for any deviation from these standards. In particular, clothing items purchased should be in accordance with state financial accounting policy contained in the CAPP Manual.

General Recommendation #9: Equipping Vehicles

Based on the usage of vehicles, i.e., general game warden or SLAP team work, documented standards should be established as to how vehicles are equipped. The documentation should provide a process for exceptions to the standards to be appropriately documented and approved.

Results of Investigation into Allegations

Allegation # 1- Employee Retaliation and Intimidation

Findings of Fact:

On 2/4/04, [REDACTED] as [REDACTED] sent an email to Governor Warner regarding low salaries being paid game wardens. On 3/5/04, Terry Bradbery (then Major) sent [REDACTED] an email saying that [REDACTED]. On 3/10/04, Major Bradbery sent a follow-up email stating the reason for [REDACTED]

On 3/12/04, a budget meeting was held regarding additional funds available to provide equipment to game wardens. We were told that Mr. Woodfin stated in the meeting that "no new equipment will be purchased for game wardens until they appreciate the equipment they have been provided with." Subsequently on the same day, Herb Foster, then Colonel, sent out an email stating "After discussion with Mr. Woodfin, we decided to disapprove the expenditure of these funds for our division. This decision was made due to the perception that there is a commonplace lack of appreciation by our division's staff for the equipment that has been acquired and supplied to our officers. This perception is based in large part to a number of ill advised, snide comments about the acquisition of new and replacement equipment in lieu of salary increases."

Mr. Woodfin has stated that the budget meeting discussion and subsequent Foster email dealt with indecision on the part of the game wardens as to what equipment they needed. But an individual who attended the meeting said that Mr. Woodfin was upset with the game wardens; the discussion had nothing to do with game warden indecision regarding what equipment to buy. The email from Colonel Foster clearly indicates that game warden indecision was not the intent of the email. In response to the email, 53 sworn officers sent letters of support and appreciation for the equipment they had, many indicating that they had never been better equipped.

In early December 2004, Colonel Bradbery called into the Richmond Headquarters several game wardens regarding a FOIA request. Colonel Bradbery allegedly stated that he would soon find out who was helping the FOIA requestors and get rid of them. At various times Mr. Woodfin has also allegedly been heard saying that he is going to get rid of employees who leaked information related to the FOIA requests.

In early 2005, [REDACTED] sent a letter to the [REDACTED] to clarify why an attorney was retained by the [REDACTED] and that the [REDACTED] was not involved in the FOIA request sent to DGIF. [REDACTED] also stated the reason [REDACTED] that he had received no personal gain as [REDACTED]

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of the [REDACTED], and that "no comment" had been sent to the Richmond Times Dispatch prior to the 12/25/04 news article. On 2/7/05, Colonel Bradbery met with [REDACTED] to discuss the letter. Colonel Bradbery [REDACTED] Colonel Bradbery told us that [REDACTED] A new EWP was subsequently developed on 2/15/05. The reason given for the change [REDACTED]

Colonel Bradbery has stated that [REDACTED] Someone allegedly told Colonel Bradbery of these comments, but Colonel Bradbery would not provide the name of the individual who allegedly provided him with the information.

During [REDACTED] most recent training activity, he assisted in a "Time of Death" class taught in King William in January 2005. [REDACTED] and the other instructor, [REDACTED], spoke of how great the class was and how much [REDACTED] added to the class with his experience gathering deer data and mechanical skills used to design some new equipment.

During [REDACTED] next most recent training activity in the October 25, 2004-November 5, 2004 period, he assisted with other firearms instructors in teaching at the academy. One evaluation said that [REDACTED] was outstanding; other evaluations said that the group of instructors was great. One evaluation said they were the best firearms instructors the student had ever had.

DGIF hosted the Northeastern Fish and Wildlife Conference on 4/17/05-4/20/05. In 2004, [REDACTED] as [REDACTED], volunteered to [REDACTED] the [REDACTED] services and money for the Conference. In early January 2005, [REDACTED] sent an email to [REDACTED] accepting the offer. But Colonel Bradbery told [REDACTED] to inform [REDACTED] that DGIF no longer needed the [REDACTED] assistance. On 1/20/05, [REDACTED] told [REDACTED] that the [REDACTED] services were no longer needed. Colonel Bradbery told us that he has no relationship with the [REDACTED].

On 3/21/05, Colonel Bradbery told DSIA that he planned to demote the [REDACTED] supervisor and bring in a sworn officer as supervisor. When asked why he would do that given the shortages of game wardens in the field, he stated "because that's what I want, and I can."

On 4/4/05 at a meeting regarding [REDACTED], Colonel Bradbery allegedly accused [REDACTED] of trying to get Colonel Bradbery and Mr. Woodfin fired and that was the reason Colonel Bradbery said [REDACTED] Colonel Bradbery also said that [REDACTED]

Allegation # 2- Use of State Resources on a Trip to Africa

Findings of Fact:

CAPP Manual Section 20335, "State Travel Regulations," states "for international travel such approval must be obtained from the responsible Cabinet Secretary." Sometime between July 26-August 6, 2004, David Paylor, Deputy Secretary of Natural Resources, informed DGIF that a trip to Africa would not be allowed as a state-sponsored trip; that is, participants would have to use personal leave and there would be no expense to DGIF.

Per an undated memo to the file with a 2/12/03 fax date from Charles G. McDaniel, DGIF Board Chair, a Board member, Daniel Hoffler had had a conversation with Bill Leighty, Governor's Chief of Staff, regarding agency head out-of-state travel approval. In the memo, Mr. McDaniel stated "the Board reviews and evaluates the Director's performance and by Code, is the hiring authority and supervisory board for the Department's Director. Mr. Hoffler reviewed this with Mr. Leighty and indicated that the appropriate approval authority for the Director's travel would be the Chairman of the Board of Game and Inland Fisheries. Mr. Leighty concurred and supported the Board Chairman's approval in lieu of the Secretary's" (Secretary of Natural Resources). This statement contradicted the CAPP Manual requirement. No exception was documented from the Department of Accounts regarding this issue.

According to Mr. Leighty, the above is not a true statement of the facts. Mr. Leighty indicated that he had been requested to allow the Chairman of the Board to approve the Director's travel; however, Mr. Leighty did not approve that request because it was inconsistent with recently adopted state travel regulations. He told them that he would ask the Secretary to approve reasonable travel.

On 4/30/04 a memo from Mr. Hoffler to Mr. Woodfin stated "As you know, I have been working hard on a trip this fall to Africa to provide an opportunity for an information exchange on wildlife management between a U. S. model and the model of wildlife management in Africa. I feel that there is a tremendous amount to be learned from the current situation in Africa, particularly as it relates to threatened and endangered species and the international trade of wildlife. I am going on a personal trip soon to Africa where I plan to work on more details for this exchange visit. In order to plan for this eventuality, I would like for Mike Caison, Terry Bradbery and you to secure passports so they will be in place when this trip materializes. State travel regulations allow this as an expense as long as such a trip is work/mission related, which this trip will be."

According to Mr. Hoffler, he had been planning this trip since before he became a Board member. When asked why he specifically named Mike Caison and Terry Bradbery to go, he said it was because they were top law enforcement officers. He also said it would have been good if others had gone too. He thought it was that important because Zimbabwe has some of the best wildlife management programs in the world, and felt like what the others would see would be important to the operation of DGIF. He felt that it

was appropriate for Bill Woodfin, Mike Caison, and Terry Bradbery to go. He also said that if Mr. Woodfin wanted others to go, that would have been fine too.

At the time of the 4/30/04 memo, Mike Caison was a captain in charge of the SLAP Team. Terry Bradbery was a major in charge of law enforcement administration.

Daniel Hoffler, William Woodfin, Terry Bradbery, and Michael Caison went on the African trip during the period of approximately 9/13/04-9/30/04.

When asked if he provided any guidance to the others regarding what to bring on the trip to Africa, Mr. Hoffler said that he could not remember specifics, but said that he had mentioned a laundry list of items that they should consider taking. Mr. Hoffler specifically mentioned duffle bags, and walking shoes.

CAPP Manual Section 20310, "Expenditures," states "agency purchases must be considered essential to the operation of the agency and in support of the agency's mission to justify the use of State funds." But a review of AMEX and other purchases made prior to the Africa trip in September 2004 by DGIF employees William Woodfin, Terry Bradbery, Michael Caison, and Betty Boyd revealed the following:

Mr. Woodfin paid for passport fees on 6/30/04. Marcia Meyer purchased for Mr. Woodfin an international phone on 9/3/04. This phone was then taken to Africa where it was used to make calls to Virginia, including to the travelers' homes. Total spent was \$1,472.37.

On 6/30/04, Colonel Bradbery paid for passport fees. During the 8/9/04-9/13/04 period, Colonel Bradbery bought 3 lightweight hats, food, batteries, film, bags, clear eyes, tape, turtle wash, terry towels, assorted medicine for medical bag, snacks, paid for vaccination shots three times, and paid for 2 pairs of shoes, 3 jackets, and 4 pairs of pants. Total amount spent was \$2,286.55.

During the 9/8/04-9/12/04 period, Major Caison bought 4 DVD players and 4 binocular straps. Total amount spent was \$419.48.

During the 7/13/04-9/10/04 period, Ms. Boyd bought, at Colonel Bradbery or Major Caison's request, 4 bullet-proof double rifle cases, 4 walking sticks, 20 travel combination locks, 3 PowerShot Pro 1 digital cameras with high speed and wide angle lens, neck pillows, duffle bags, and carry on bags. Total amount spent was \$7,354.06.

Total amount paid by these four individuals for purchases that appear to be related to the Africa trip was \$11,532.46.

One of the rifle cases (obviously used) was turned into Outdoor Education by Caison. Caison stated he has sent 2 of the cameras out to game wardens to be used in the field.

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One neck pillow and one suitcase with Woodfin's name on an attached card were turned into the SLAP team inventory locker.

We were also told that due to the necessity of having to use small private airplanes while in country, there would not have been enough room for them to have taken all of the items alleged to have been purchased for the trip.

Mr. Woodfin, Colonel Bradbery, and Major Caison have indicated that the trip was initially intended to be a fact gathering trip to gain an understanding about Africa's way of performing wildlife management. Once the trip was disapproved by the Secretary of Natural Resources, the scope of the trip changed to a personal trip, although, according to Mr. Woodfin, they did meet with some game officials. We were told in a response that Fish and Wildlife management personnel were not included because of the "differences in ownership of game animals between the two countries."

Mr. Hoffler also indicated that they had all met with various individuals separately. He indicated that Mr. Woodfin had met with wildlife management representatives, trackers, and armed military personnel. He further indicated that it was a positive learning experience for everyone. Mr. Hoffler stated, "If I did not believe that it would not have been, I wouldn't have paid for the trip."

These individuals admitted that the passport fees, vaccinations, international phone and related charges, and some of the luggage, hats, cameras, DVD players, binocular straps, rifle cases, walking sticks, locks, cameras, and neck pillows were taken to Africa. They have stated that the equipment has been turned into DGIF inventory or placed with game wardens in the field.

Colonel Bradbery stated that the food, batteries, film, bags, clear eyes, tape, turtle wash, terry towels, assorted medicine for medical bags, 2 pairs of walking shoes, 3 jackets and 4 pairs of pants were not for the Africa trip. But they were purchased on 9/9/04, 9/11/04, and 9/13/04, just prior to the trip. Colonel Bradbery could not identify for what event the supplies were purchased. Colonel Bradbery said that one pair of the hiking shoes was for Mr. Woodfin with the other pair for an unknown person; the jackets and pants were rain gear.

No reimbursement has been made by Mr. Woodfin, Colonel Bradbery or Major Caison regarding purchases made for this trip. Mr. Woodfin has stated that since the Board had made payment of \$14,600 to reimburse DGIF for trip expenses, they do not need to make reimbursement.

We asked Mr. Hoffler his reasoning for asking the Board members to reimburse the agency; he responded that he wanted everyone to agree that the Africa trip was not a bad thing, and to show solidarity. According to Mr. Hoffler, none of the Board members asked about specific items for which they were being asked to provide reimbursement. Mr. Hoffler said that he did ask Mr. Woodfin to provide him a list of items that could be

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associated with the Africa trip. Mr. Hoffler couldn't remember the exact dollar value, but said it was around \$13,000, and he wanted the reimbursement to exceed that.

Conclusion:

The allegation is substantiated. Mr. Woodfin, Colonel Bradbery, Major Caison, and Ms. Boyd inappropriately purchased items for an unapproved trip to Africa. Most of the items purchased are not items that would or should be purchased for use at the agency in the normal course of business. For example, luggage, the specific digital cameras with the high speed and wide angle lens, the travel locks, the walking sticks, the neck pillows, the passport fees and shots, the international phone, and food are not appropriate agency purchases. In addition, since many of the items were purchased after the Secretary of Natural Resources disallowed the trip to be state sponsored; it appears that Colonel Bradbery, Major Caison, Mr. Woodfin, and Mr. Hoffler were in non-compliance with the Secretary's direction.

CAPP 20335 states "The Commonwealth of Virginia will reimburse individuals traveling on official State business for reasonable and necessary expenses incurred. Travel expense accounts are open to the public and must be able to sustain the test of public review. When planning and paying for travel, economy, prudence and necessity are of primary concern. The use of State funds to accommodate personal comfort, convenience, and taste is not permitted. It is the policy of the Commonwealth of Virginia to limit travel costs to only those expenses that are necessary for providing essential services to the Commonwealth's citizens. Further, travelers and travel planners must seek ways to reduce the cost of essential travel." Costs associated with travel should be limited to airfare, lodging, and per diem. The expenditures incurred for the Africa trip are not within these requirements, and should not have been made.

Mr. Woodfin, Colonel Bradbery and Major Caison lacked professional judgment when they made the decision to buy items with state funds that have questionable value to DGIF and then used the items on their personal trip. Granted some of the items may be useful to the agency, however, at the time of the purchase no business case was made for the items purchased, and many should be classified as personal items.

Management has stated that the purpose of the trip was to share information on wildlife management, fisheries management, poaching, and regulated management, which was also indicated in an undated letter from Central African Safaris which referenced the September trip. If the purpose of the trip was as stated, then it would seem to make sense for the DGIF wildlife and fish division management to also attend, since they would be considered the experts in their respective areas. Furthermore, there would be no need for gun cases, and other items that were taken on the trip.

Even if the trip had been officially sanctioned, the state does not pay for anything other than transportation, lodging, per diem, and incidental expenses. It does not pay for personal items such as luggage, personal clothing, and other personal items.

Recommendation:

DGIF should ensure that items purchased with state funds are necessary for the agency's activities and used for agency business, and are in accordance with the state financial accounting policy. Management should ensure that all items purchased for the Africa trip be turned in to inventory for use by DGIF.

In the future, for the purchase of large expensive items, an appropriate approval process should be in place, and a business case be made for the purchase.

Mr. Woodfin, Colonel Bradbery and Major Caison should be held accountable for using state property on a personal trip and purchasing items unnecessary for the daily operations of DGIF.

Allegation # 3- Inappropriate American Express Purchases**Findings of Fact:**

CAPP Manual Section 20310, "Expenditures," states that "agency purchases must be considered essential to the operation of the agency and in support of the agency's mission to justify the use of state funds." Personal clothing is a prohibited purchase. A review of purchases by several DGIF employees was performed. The following questionable expenditures were identified.

Mike Bise paid \$60 to have a glove box unlocked in a state vehicle although the CAPP Manual Section 20335 states that unlocking a vehicle is not an allowable expenditure.

Betty Boyd bought:

- Hearing devices for Caison, Woodfin and Bradbery for \$2,445. The devices bought for Caison and Woodfin were different from what they had already bought. Bradbery stated that the item for him probably went to Outdoor Education;
- Luggage for Captain Mawyer and staff costing \$905.90;
- Luggage for Bradbery costing \$1,393;
- Framing polygraph license and certificate for Bradbery and an unknown individual costing \$223.22;
- Window tinting for someone but did not know for whom or what vehicle and costing \$175;
- Four pairs of binoculars for Bradbery costing \$1,436;
- A radio for Bradbery's state vehicle. The radio was an MP3/CD/cassette player and cost \$638; and
- Coats costing \$464.94 from Dick's Sporting Goods for Woodfin, Caison, Pike, and Bradbery to attend an outdoor media event. The event involved filming a documentary on a covert operation and these four individuals wanted to look uniform.

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Terry Bradbery bought:

- An ear protection device for himself for \$979.40.
- He also paid \$2,500 for hearing devices that he said went to game wardens but there was no receipt documenting what was purchased.

Mike Caison bought an ear protection device for \$979.40.

Colonel Foster purchased a pair of shoes for \$49.95 and gave them to a buyer in Purchasing as a thank you gift for work performed.

Florence Harding bought:

- Awards to be framed for Ray Davis costing \$326.61;
- Window tinting for Mr. Woodfin's state vehicle costing \$200; and
- Snake boots for Mr. Woodfin, Major Caison, Colonel Bradbery, Mr. Hoffler, and David Paylor, Asst. Sec. of Natural Resources, costing \$1,315.86.

Agency officials have indicated that snake boots are needed when performing bear baiting operations. They are of the opinion that it is a DGIF responsibility to ensure participants are outfitted properly. Mr. Paylor has indicated that he returned the boots to DGIF. Mr. Hoffler stated that he had a pair of boots that DGIF purchased but has never worn the boots, nor would he wear them because they aren't the type of boot he would wear.

Bobby Mawyer bought:

- An ear protection device for \$999; and
- Seven knives at \$110 each, 2 knives at \$135 each, and 3 knives at \$71.99 each. The knives were purchased for instructor incentives or allegedly at the request of Woodfin or Bradbery.

Steve Pike bought:

- Two suits, 3 ties and 2 shirts from Belk and S&K Menswear for \$475.45; and
- Paid \$238.62 for framing a law enforcement certificate.

Scott Renalds bought:

- Three pictures to decorate offices in hunter/outdoor education costing \$954.44;
- Twelve pairs of pants and 2 jackets for \$473.85;
- Luggage for himself, Colonel Bradbery, Captain Mawyer, and an unknown person costing \$1,301.91;
- An ear protection device from Performance Hearing for \$999;
- Five pairs of polarizing shooting glasses for himself and others teaching hunter education and costing \$599.95;

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- Ten camouflage umbrellas were purchased costing \$65.80 for hunter education; and
- Three pairs of binoculars costing \$1,023; spending \$341 each for binoculars for hunter education.

Harry Street bought:

- An ear protection device for \$979.40; and
- A radio with an MP3/CD/cassette player and costing \$613.76.

Bill Woodfin bought:

- An ear protection device for \$979.40;
- Pants/shorts from Hecht's and Kohl's and subsequently paid for pants alterations costing \$342.08;
- A jacket from LL Bean costing \$240.95;
- An elite gun cleaning kit and leather hull bag costing \$149.45;
- Field chairs from Wal-Mart costing \$44.52; and
- Two muzzle loaders and a shooting vest for \$89.97.

Lieutenant Street indicated that the ear protection device purchased worked more consistently than the muff when a gun was shot.

Colonel Bradbery and Lieutenant Street indicated that they bought the radios to play teaching CDs to help them improve their work-related skills. These items were purchased from Audio One. No one else in the Law Enforcement Division bought such items from Audio One and nothing came to our attention to indicate anyone else bought such items from any other vendor.

Conclusion:

Although some of these purchases may be legitimate, the allegation of questionable purchases is substantiated. These employees wasted limited state resources and made some purchases in non-compliance with the CAPP Manual. Spending \$120 for shooting glasses and more than \$300 for binoculars for hunter education, and about \$1,000 for hearing devices seem excessive. The hearing devices must be fitted individually, making them unusable for anyone else unless refitted at an additional cost. Earmuffs that provide similar protection can be bought for less than \$200. We were told that many of instructors wear the earmuff type and that they work just fine. The instructors are in charge of the range during any training and must be able to hear and react to any safety issues. It was noted that a few others have also purchased expensive, fitted, hearing protection devices.

Mr. Woodfin has told us that the hearing devices are necessary when on the range so that they can hear discussions going on while monitoring the training and assisting participants.

Recommendation:

There is an atmosphere of free spending for some individuals within the Law Enforcement Division with limited standards and policies to guide spending decisions and limited review by supervisors in many cases. Consideration should be given to establishing thresholds above which documented review and approval is required. AMEX cardholders should always document the reason for the purchase even when the purchase is requested by others.

Documentation should be maintained as to who is provided with expensive equipment and signed for by the individuals to ensure accountability and return of the item(s) upon leaving agency employment, or job duties change that no longer require the equipment.

There should be documented standardized equipment requirements for employees based on job responsibilities. The requirements should identify the items authorized to be procured with state or personal funds. There should be a process for approval of purchases that are exceptions to the requirements. We also recommend that AMEX spending limits set for individuals be reviewed to determine the appropriate limits.

Individuals making purchases of non-uniform clothing should be required to reimburse the agency.

Allegation # 4- Agency Editing of Mr. Hoffler's 2003 Africa Safari Trip Video**Findings of Fact:**

In early June 2004, Mr. Woodfin verbally requested Media Services personnel, Media Services, to perform editing on a video of Mr. Hoffler's 2003 Africa hunting trip. Although Charlie Sledd, Director of Communications and Information and supervisor to Media Services, indicated that he "did not not" authorize the editing, Media Services personnel indicated that they would not have performed the work without Mr. Sledd's authorization.

Mr. Sledd stated that he would have authorized the editing. He indicated that the project was appropriate because it promoted hunting. No supervisory review of the raw tape was performed to ensure the appropriateness of DGIF's involvement. Mr. Sledd indicated that he trusted Media Services to tell him if there was a problem but Media Services understood that they were to complete the project, regardless of content.

Mr. Sledd told Media Services to perform the project provided it would not take too much time. We were told that Michael Caison brought the tape to Media Services and periodically visited the office to ensure that the project was completed in accordance with Mr. Hoffler's requirements.

The project was completed on 7/6/04. Media Services personnel spent a total of 131 hours working on the project at a total salary including fringe benefits of approximately \$4,200. Video editing equipment of the agency was also used on the project and would

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have been included in the cost if performed by a private company. In addition, Major Caison spent work time assessing the adequacy of the editing. Mr. Hoffler told us that Caison had no involvement in this process.

A review of the finished product revealed Mr. Hoffler shooting a giraffe, rhino, wildebeest, wild boar, zebra, impala, leopard and other animals. Based on past video editing experience, Media Services did not find this activity to be like other hunt editing projects because the animals were usually standing still grazing when shot and a circle was often placed where the shot entered the body, as opposed to the process or methodology of the hunt.

Copyright to the video was made to Mr. Hoffler; Media Services could not recall another instance when video editing performed was copyrighted to the individual.

Woodfin has stated that Mr. Hoffler had a video that needed editing. Mr. Hoffler was going to donate any proceeds from sales to the Game Protection Fund. Mr. Woodfin also said that DGIF had performed editing for state agencies.

Mr. Hoffler made a \$500 payment to the Game Protection Fund for the project on 1/5/05. In his letter that accompanied the payment, he stated that the \$500 was for those videos that had been given to family and friends. Mr. Woodfin has stated that Mr. Hoffler "paid for all copies and the intended purpose was to generate revenue and donate it to the Department. He has since made a donation that is consistent with that intent."

According to Mr. Hoffler, he thought it was an appropriate use of state resources because he had agreed to donate any profits to DGIF. He said that he paid to have the videos reproduced by another company. He felt it was a good deal for the department.

Conclusion:

The allegation is substantiated. Mr. Hoffler and Mr. Woodfin inappropriately requested and Mr. Sledd inappropriately approved the video editing of this project. Mr. Hoffler paid a nominal amount and paid it late - six months after the project was completed. A review of the completed project does not provide support that this would encourage hunting. In addition, it is inappropriate to use state resources for personal use or gain. The point could be argued that if edited on state time with state resources, the project belongs to the public, not a private individual.

Recommendation:

DGIF should adopt a formal process for determining when to accept requests for editing of shoots or videos from non-DGIF individuals or organizations. This process should include an assessment of the raw footage content as well as the expectations of the finished product. Charges assessed for performing editing should be based on actual cost of services. DGIF should bill Mr. Hoffler for the difference between the amount paid and the labor costs.

Mr. Woodfin and Mr. Sledd should be held accountable for making decisions involving Mr. Hoffler's video tape, and Major Caison for using state time to monitor the editing of the video.

Allegation # 5- Conflict of Interest between Board Chair, and DGIF Employees

Findings of Fact:

Mr. Hoffler and Major Michael Caison are both officers and directors of Point Farm Sporting Goods, Inc. Steve Sturgis, Game Warden, is also an officer of the company. A review of the 2005 Economic Interest Statements documents that in 2004 Hoffler gave gifts to the following DGIF employees: William Woodfin-\$14,500, Terry Bradbery-\$15,000, and Michael Caison-\$20,000. Both Caison and Sturgis maintain personal work boats at Hoffler's private property dock. Caison grows seed clams in the river bed located next to Hoffler's property. Caison and Sturgis also operate C&S Seafood.

Woodfin, Bradbery and Caison have stated that the gifts relate to the Africa trip and they do not feel that the gifts represent a conflict of interest or impede their ability to perform their jobs. Mr. Hoffler also indicated that there was no conflict of interest. He said that he and the others do not always agree on things.

Conclusion:

The allegation has been substantiated. There is the appearance of conflict of interest between Hoffler and certain employees of DGIF. Per Code of Virginia Section 29.1-103, the Board is responsible for appointing the agency director. Code of Virginia Section 29.1-109, states that the Director is the principal administrative officer. Therefore the Board has certain oversight responsibility for the administrative operations of the agency and should not have a conflict of interest with the Director or other agency personnel. Sharing officer and director relationships in a private business, giving substantial monetary gifts, and providing personal property benefits to agency employees by the Board Chair all have the appearance of creating a potential conflict of interest.

Furthermore, this relationship could subvert the ability of these individuals to carry out their responsibilities in an adequate manner because this is not a relationship among equals. The agency head, and subsequently, agency staff are responsible to the Board for agency actions. If they feel they are in any way obligated to the Board Chair, then they may be averse to taking a position that is contrary to the desires of the Board Chair.

Recommendation:

DGIF in collaboration with the Board should develop a policy that addresses the appropriateness of possible conflict of interest scenarios including those identified in the investigation. The thought process behind the policy must consider the appearance of conflict of interest and the possibility of individuals being obligated to others professionally because of private business interests and financial gifts. This can be done by developing a code of ethics, or conduct and ensuring all employees are aware of the policy.

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Allegation # 6- Pre-selection of Two Majors' Positions Filled by Major Caison and Major Pike

Findings of Fact:

The following events occurred leading up and subsequent to the selection process:

- On 7/28/04 the Notification of Vacancy was advertised for position number 00247 for Game Law Enforcement Captain in Region II, Forest, Virginia, located about one hour east of Roanoke where Pike lived. A state application was due by 8/13/04. Steve Pike did not submit an application even though it would have been a promotion from Lieutenant to Captain. Pike has indicated he was not interested in the position.
- On 10/6/04, the notification of vacancy was advertised for the two majors' positions.
- No documentation was provided as to why the Law Enforcement Division increased the number of majors from two to three.
- On 10/9/04, Betty Boyd was allegedly heard saying that Pike and Caison would be the two new majors and indicated what would be the new job duties of all three majors. Boyd has stated that if she said these things she was only expressing an opinion, not basing it on actual knowledge.
- State applications for the two majors' positions were required to be received by 10/19/04.
- Caison did not have a completed application; Caison's application only briefly listed job duties from September 2002 forward.
- On Friday, 10/22/04, at 3:26 PM, an email was sent by Betty Boyd notifying the applicants of the interview schedule for the following Monday, 10/25/05. Six of seven applicants were interviewed; one declined due to other commitments and short notice of the interview schedule.
- One applicant requested information regarding specific job duties prior to the interviews but no decision had been made as to the position requirements until documented in a memo by Terry Bradbery dated 11/4/04.
- When he prepared the pay action worksheet for Pike on 11/4/04, Bradbery stated that there were no budget implications because he was filling a vacant position. This was not true. The position Pike filled was the third major's position which was new.
- The two major's positions were advertised and interviewed together although the job requirements were completely different: one required supervision of three specialty teams and office security while the other required supervision of the state's five regional captains, terrorism and related grants, equipment, and professional standards. Management has stated that the jobs were management positions within the Law Enforcement Division to assist the Division Director in carrying out his duties and were interchangeable.
- A new employee work profile (EWP) was not provided to Human Resources for the added major until 11/17/04 (Pike-position # 213); new EWPs have not been

provided for the other two major positions although position requirements were changed due to the change from two majors to three.

- While the advertisement stated that certain experience may be substituted for required education (graduation from an accredited college or university with a degree in police science, administration of justice, public administration, wildlife science or related field), no such substitution was mentioned in the EWP. [REDACTED] and [REDACTED] were the only candidates with degrees listed on their state employment applications. Position # 40, filled by Caison, had an EWP prior to the interview process and it required a college degree.
- Interviews were conducted by Colonel Terry Bradbery, Law Enforcement, Ray Davis, Administrative Services, and Bob Duncan, Wildlife Division. Duncan was a last minute substitute for Charlie Sledd, Director of Communications and Information.
- Interviews for the two major positions consisted of questions, generic in nature, that dealt with what was going well, what needed improvement, and proposed changes to the Law Enforcement Division, vision for DGIF and where the Division fit into the vision, interviewee training and service qualities, and how the Division assists and enhances the other departmental divisions. The questions did not deal with specific job requirements of the positions being filled. Interview results were the only documented reasons provided for the selection of the successful interviewees. No documentation was recorded to indicate that the interviewers had discussed the candidates' job performance or strengths and weaknesses with the candidates' supervisors. No consideration was made regarding educational achievement, length of service in prior position, adherence to policies and procedures, prior supervisory experience, and past job performance.
- Reviewing applicant qualifications show that the applicants had the following years of supervisory experience: [REDACTED] and [REDACTED]-17, [REDACTED]-15, [REDACTED]-12, [REDACTED]-11, Pike-4, and Caison-3. Supervisory experience included years at the lieutenant level or higher. Bradbery has stated that he was aware of the experience of the candidates and took that into account in the selection process.
- The selection and beginning work date for Caison and Pike was 10/26/05.
- The SLAP Team supervisory duties assigned to Caison were the same he had before the promotion.
- All three interviewers indicated that the two best qualified applicants were selected. But two of the interviewers indicated they did not think the applicant pool was as strong as it could have been.
- Members of the interview panel also indicated that some applicants did not interview well or lacked knowledge of the "big picture."

Conclusion:

This particular promotion process was significantly flawed and did not follow state guidelines. DHRM Policy 2.10, "Hiring," states "before posting positions, agencies should analyze the vacant position and work unit to determine if any changes have occurred; update the EWP to reflect current duties and responsibilities; and determine the

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knowledge, skills, and abilities necessary or preferred for the position." The policy also requires that "applicants have access to certain information about the selection process, including position descriptions for advertised positions."

No documentation was provided to justify how the increase from two to three majors related to organizational requirements. Job duties and responsibilities were not determined prior to the selection process for the two majors. The two majors' positions were advertised and interviewed together although the job requirements were different. The EWPs did not agree with the advertisement. The interview questions did not address the specific job duties.

Although the allegation concerning pre-selection is inconclusive because it is impossible to know what is in the minds of individuals, nor can we comment on statements that may or may not have occurred, the chain of events suggests, or creates the appearance that Caison and Pike were pre-selected.

Due to policy violations, the swiftness of the interview and selection process, the large difference in supervisory experience, the incomplete state application for Caison and lack of adequate education based on the EWP in place at the time of the interview, the limitation of determining the successful candidates based on interview questions alone, the selection process appears flawed.

If Law Enforcement Division employees had known what the specific duties for each position would be, more may have applied for specific jobs, or some applicants may not have applied. Furthermore, interviewees may have been better prepared for their interview.

Mr. Woodfin has stated "our Human Resources office was responsible for insuring that the entire process was conducted according to state policy and procedures." But at DGIF, the Human Resources office is only advisory. That office is not responsible for insuring compliance.

Recommendation:

Since components of the selection process were in non-compliance with DHRM policy and the facts, taken as a whole, show a severely flawed process, consideration should be given to setting aside the promotions. The Law Enforcement Division should then properly assess the need for three majors and, regardless of that decision, decide up front what the position(s) duties and responsibilities will be, and how they should be allocated. Once determined, an advertisement for the position(s) which agrees with the Employee Work Profile can be initiated. Interview questions should include those specific to the job requirements, as well as, general questions about the agency. The choice of successful applicant(s) should be based on actual experience, training, past performance, and how well answers to the interview questions relate to the job and division requirements.

Allegation # 7- Major Caison Using State Property for Personal Use

Findings of Fact:

Caison has a personal clam growing business and grows clams in the water next to Mr. Hoffler's estate. On 11/17/99, Caison rolled over his state vehicle on Savage Neck Road near Hoffler's estate and Caison's home. The State Police and an observer noted seeing clams all over the road near the accident site. Another individual indicated there were maggots in the vehicle when personnel went to remove the radios from the vehicle after the accident. When questioned, Major Caison told us that he did not have clams in the vehicle.

Mr. Hoffler was asked whether he was aware of Caison's accident and he acknowledged that he was. He had become aware of it from [REDACTED] who was behind Caison when the accident happened. Mr. Hoffler stated that Caison was coming from Hoffler's property. Mr. Hoffler indicated that he was not aware of any clams on road. He also confirmed that the vehicle was stored in one of his barns after the accident.

Caison has been observed using his state vehicle when delivering clams to individuals in Norfolk and locations enroute to Richmond. It was not determined whether Caison was paid for clams. Caison acknowledged using his state vehicle to take clams to individuals as a gift from DGIF, but said that he does not sell clams.

Michael Caison's agency-provided cell phone plan includes for the \$149.99 per month charge, 3,000 any time minutes, and unlimited night and week end minutes.

We reviewed the August, September, and October 2004 Verizon wireless statements for Mr. Caison and it showed that his phone was used 4,384 minutes. During that time, Mr. Caison was a Captain and in charge of the SLAP Team. Because of that responsibility, the assumption was made that the following types of calls were legitimate: incoming calls, voice mail, and calls to DGIF Richmond Headquarters, SLAP Team members, Board Chair, regional headquarters and captains, and the homes of DGIF employees; 1,914 minutes were used for those purposes.

Included in the remaining 2,470 minutes, were calls to Mr. Caison's relatives [REDACTED], [REDACTED], and [REDACTED], a Maryland car/truck dealership, an Eastern Shore hospital, and Eastville, the area where Mr. Caison lives on the Eastern Shore. In addition, he called other areas near Eastville and various locations in Virginia, Vancouver, British Columbia, Santa Monica, California, Colorado, Illinois, Georgia, North Carolina, and Maryland.

Mr. Caison has made no reimbursement for personal phone calls. The personal calls did not increase the monthly charges. But with lower usage the agency may have been able to obtain a cheaper plan. There were additional charges for dialing 411 for information but

it could not be determined whether the information obtained was personal or business-related.

Conclusion:

The allegation is substantiated. Caison has apparently used his state vehicle when delivering or transporting clams that is not within the agency mission.

Although some of the 2,470 minutes of cell phone use identified may be for legitimate DGIF business, calls to Mr. Caison's relatives and a Maryland car/truck dealership are not, and calls to the Eastern Shore, other areas of Virginia, and out-of-state appear questionable. It is also possible that some of the incoming calls were personal in nature.

Recommendation:

Caison should be held accountable for using a state vehicle for personal use, or non-agency mission related activities. Caison should be held accountable and required to make restitution for using a state phone and calling plan to make personal calls.

Consideration should also be given to reviewing the plan and determining whether this particular plan is beneficial to the agency, or that a cheaper plan would be just as feasible.

The agency should conduct a review of all wireless phone plans to determine what is best for the agency, and if it's feasible, have one plan for all employees required to have a state issued cell phone.

Allegation # 8- Existence of an Executive Protection Unit

Findings of Fact:

An executive protection unit (EPU) was set up by a previous DGIF Board to provide security to board members at Board meetings from groups or individual citizens. There have been no instances identified where the Board members were in any way threatened. The unit is made up of game wardens that provide security on an as-needed basis. Mr. Woodfin said that the concept of the EPU was initiated by former Board Chair J. Carson Quarles who was concerned about "how issues such as animal rights and other types of activities would be handled during functions with Board members." The memo from Mr. Quarles to the DGIF Board members on 10/25/98 states "it would be prudent to have a plain clothes armed warden present at each Board meeting."

Some members of the EPU were asked on 7/1/04 by Woodfin to come from Southwest Virginia to the Rappahannock River Campground (northeast of Culpepper) to "bump into" [REDACTED]. The members arrived at the campground at about 2:00 PM and stayed until [REDACTED] arrived at about 6:00 PM. After greeting [REDACTED] and giving him a business card the EPU returned to Southwest Virginia.

Woodfin has stated that he did not recall asking the EPU to locate [REDACTED] but said that it was done as a courtesy. He was aware that [REDACTED] was going to be at the Campground.

When asked why the EPU was sent from Southwest Virginia instead of using local game wardens, he stated he wanted game wardens that had the ability to talk to individuals at that level.

Some members of the EPU provided security at Daniel Hoffler's (Board Chairman) Eastern Shore estate during the day of 9/4/04. On that day Board members were present along with the following DGIF employees: William Woodfin, Terry Bradbery, and Michael Caison. The EPU provided transportation for these guests from Hoffler's home to another building located about ½ mile away on the property. Following a meeting, a dove hunt occurred at the location. The EPU was at the location from that morning until 7 to 9 PM. One of the members of the EPU required hotel accommodations for the Friday night before and Saturday night of the event. Woodfin has stated that he recalls the dove hunt but not any meeting occurring on that date. Michael Caison indicated that this event had been going on for 14 years; as such, this does not appear to be an agency-sponsored event.

On 4/19/04, Michael Caison requested approval from VDOT for the purchase of a Ford Excursion with third-row seating and anticipated mileage of 35,000 per year. In the request, the reason given for the large vehicle was to carry up to nine people and any luggage and materials. This vehicle was used in the transport of the EPU, board members, and game warden recruits. The vehicle was purchased for \$31,136 on 7/27/04. As of 2/1/05, the vehicle had been driven approximately 6,000 miles.

During the September 2004-January 2005 period, the Ford Excursion was used about 12 times for the game warden recruits to carry them to nearby stores to buy uniforms or to training locations. Since the vehicle only carries 8 passengers and a driver, multiple vehicles were necessary to transport the 17 recruits and staff.

Mr. Hoffler stated that it was extremely important to have security at Board meetings and other events. He said, "I don't know who is there as security, but it should not be changed".

Conclusion:

The allegation is substantiated. Other than security for the Governor, no other state agency or entity has been identified where an EPU, or similar unit exists. It is an abuse of taxpayer money and game warden time to provide this security, especially for such events as meetings, a dove hunt, and to "bump into" elected officials.

The vehicle, to date, has been used substantially less than the anticipated mileage provided in the justification. Considering the inappropriateness of the EPU, the low usage for the game warden recruits, and given the fact that the agency has several Chevy Tahoes and other vehicles, this purchase appears to be a waste of taxpayer dollars. Another vehicle, such as a passenger van or small bus, would have been a better choice if needed for transporting recruits and staff.

Recommendation:

The Executive Protection Unit should be disbanded. Management should decide when and if it is necessary to have security at Board meetings, taking into consideration that sworn officers are already in attendance.

DGIF should establish procedures, including adequate review, of proposed vehicle purchases to ensure that data supporting the purchase of a particular vehicle is reasonable, meets the agencies needs, and is mission essential.

Allegation # 9- Purchases for Mr. Hoffler's Dove Hunt and Field Trips for Individuals**Findings of Fact:**

Mr. Hoffler said that he has been holding these dove hunts for 14 years. He also stated that it was not a DGIF sponsored event, but a private event. When asked whether or not he always had game wardens present at these events, he said "absolutely! It's a safety issue because there are dignitaries, wildlife writers, and others that are invited to the hunt. There are people that don't like what we do, so I want to make sure that nothing happens."

Mr. Hoffler also thought it was important for the game wardens to be there because he felt it was important for them to meet and get to know the dignitaries.

Mr. Hoffler did not know whether or not the game wardens were on the clock while they were there.

On 9/4/03, Caison purchased shotgun shells and supplies for a dove hunt to be held at Hoffler's estate; total amount spent was \$270.04.

On 1/19/04, Caison purchased shotgun shells, wader pants, and boots for a field trip involving two state senators; total amount spent was \$767.57.

Caison has stated that DGIF has always provided supplies to individuals in the event they forget something. He said the waders were purchased for something else but could not recall for what.

Conclusion:

The allegation is substantiated. It is improper to spend state funds for a private dove hunt and to outfit individuals for a field trip.

Mr. Woodfin has told us that they provide ammunition and other supplies for individuals for various types of hunts because it may be the first time that those individuals have hunted or fished for that particular game.

State funds should not be used to support private dove hunts, and costs of items for field trips for individuals is a questionable use of state funds.

Findings of Fact:

On 6/4/99, Woodfin obtained approval from Joseph Benedetti, then Director of the Department of Criminal Justice Services (DCJS), to be a law enforcement officer. In the letter, Benedetti officially exempted Woodfin from attending management-level, in-service training. This exemption also effectively ensured that Woodfin was not required to have basic law enforcement training. The approval states "As a precautionary measure from a professional liability perspective, you may wish to exercise your law enforcement authority only while in the presence of a fully trained law enforcement officer." Woodfin subsequently appointed himself as a game warden.

Per VRS, on 10/1/99, legislation allowed game wardens to participate in VALORS, a separate retirement system which has more benefits than the standard classified employee retirement system (see Code of Virginia Section 51.1-211). In 2002, the General Assembly made agency heads ineligible for participation in VALORS via the Appropriations Act Section 4-6.03 "Employee Benefits." As such, Mr. Woodfin's participation in VALORS was terminated.

The Law Enforcement Division inventory documents show that Mr. Woodfin has been issued an automatic rifle and 4 pistols. In addition to an issued law enforcement vehicle, the total amount spent to outfit Woodfin during 7/1/01-11/30/04 was at least \$13,661 specifically documented for him from AMEX purchases reviewed for Boyd, Caison, Harding, Pike, Bradbery, and Woodfin.

[REDACTED], stated that Woodfin did not complete a Form 21 Initial Appointment Form which is a requirement of all law enforcement officers. Woodfin therefore was not included in the DCJS data base of law enforcement officers. This Form 21 would indicate whether Woodfin complied with Code of Virginia Section 15.2-1705 A (ii) which states that to obtain a waiver the applicant must "be required to undergo a background investigation including fingerprint-based criminal history record inquiries to both the Central Criminal Records Exchange and the Federal Bureau of Investigation." Section 15.2-1705 A (v) states the requirement that to obtain a waiver the applicant must "undergo a physical examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed physician."

████████ further stated that Woodfin was inappropriately provided an exemption of the compulsory minimum training standards in that he did not have previous training and employment as a law enforcement officer. Also per ██████████, there is no reference in the

Code of Virginia to authorize DCJS to exempt anyone from in-service training requirements.

It is also worth noting that Mr. Woodfin had submitted an application for exemption of the compulsory minimum training standards for law enforcement officers in 1996 but was denied by [REDACTED].

Mr. Woodfin has stated that he cannot supervise game wardens if he is not one of them. According to Woodfin, he has taken training classes including tracking and forensics.

Mr. Woodfin indicated to us on 4/14/05 that he completed his annual qualification with the assigned weapons approximately two weeks ago. He also stated that when we informed him that no Form 21 had been completed and submitted for his appointment, he directed his staff to see that the form be completed and submitted.

As of 4/27/05, there is no Form 21 on file at DCJS.

Conclusion:

The allegation is substantiated. DCJS inappropriately granted a waiver to Mr. Woodfin so that he could become a law enforcement officer. Although it is commendable for Mr. Woodfin to periodically go into the field to view law enforcement activities, he does not necessarily need to be a sworn officer to do so.

The use of agency funds to outfit the Director as if he is employed as a law enforcement officer when his primary responsibility is the principal administrative officer of the agency appears questionable. An individual without prior and proper basic training on the use of firearms creates a potentially dangerous and a liability risk when assigned an automatic rifle and four pistols.

It also clouds the picture as to who is in charge of Law Enforcement, the division head or the director. As an example of this, prior to his promotion, Caison (as SLAP Team Captain) reported directly to Woodfin rather than to the head of Law Enforcement. A recent organization chart shows that Caison is now reporting to the head of Law Enforcement.

Regarding the day-to-day supervision of game wardens, that should be the responsibility of head of Law Enforcement, with the agency head providing oversight of operations. This is not meant to usurp his authority as the Director, or his ability to be in the field with the Game Wardens.

Recommendation:

If the principal administrative officer needs to be an active law enforcement officer and equipped accordingly, then he should comply with all regulations associated with that designation. Otherwise, Mr. Woodfin should renounce his appointment as a law enforcement officer.

The head of Law Enforcement should be given the responsibility for oversight, direction, and guidance for all day-to-day law enforcement activities with oversight provided by the Director.

Allegation # 11- Lack of Accountability for SLAP Team Expenditures

Findings of Fact:

The SLAP team is a special unit of DGIF that has focused mainly on bear hunting violators, gang or terrorist activity, accident site investigation and training. Prior to FY 2004, the team's expenditures were recorded separately within its own cost code, 302. In FY 2004, the agency chose to charge purchases made by the team to cost code 301. This cost code is used for administration expenses in the Law Enforcement Division; the covert team, on the other hand, has its own cost code. This makes it difficult to monitor the team's activities for budgetary purposes and purchase appropriateness. Purchases for the team include surveillance cameras, hardware such as knives, and plain clothes.

A review of the purchases made on AMEX by Caison and six members of the SLAP team (Pike, Agnese, Shires, Hicklin, Hopkins, and Hull) for the 7/1/03-12/20/04 period revealed that \$80,750.31 was identified as purchased for SLAP.

Conclusion:

The allegation is substantiated. There is little monitoring oversight performed on purchases made for the SLAP Team. There are no policies or procedures that govern determining the needs or standard equipment, or the approval process for items outside of those standards.

Recommendation:

The SLAP team should have its own cost code set up in the accounting records. Management should establish standard uniform and equipment policies for members of the SLAP team, as well as, a process for determining their needs and approving the procurement of those items. This will help ensure that the team is not wasting state resources by buying unnecessary equipment, and adds accountability over the process.

Allegation # 12- Funding the Bass Tournament with Fish Passage Funds

Findings of Fact:

The Commonwealth of Virginia and FLW Outdoors reached an agreement on 4/18/03 for FLW Outdoors events (bass fish tournament) to be held throughout the Commonwealth during 2003, including the "Jacobs Cup" in Richmond, Virginia, September 10-13, 2003. As part of that agreement, the Commonwealth agreed to provide a minimum of \$200,000 cash. DGIF supported this agreement by providing \$129,500 from the Virginia Fish Passage Grant and Revolving Loan Fund. Ray Davis, DGIF Director of Administration, approved this disbursement.

Code of Virginia Section 29.1-101.2 states that money from the fund "shall be used solely for administration and management of the Fund and the Fish Passage Program." No mention is made about providing funding for fishing tournaments.

Davis indicated that because the bass tournament was Governor Warner's initiative, DGIF had to come up with the money. Since the Fund was made up of general fund monies, DGIF chose to use that Fund because the agency could not identify another source to use because of budget constraints. No one has opposed the funding source to date and therefore no reimbursement has been made to the Fund.

The Governor's Chief of Staff has indicated that no pressure was placed on DGIF to support this tournament. In fact, he requested advice from the agency as to whether Virginia should be involved in such an event.

Conclusion:

The allegation is substantiated. DGIF inappropriately spent \$129,500 from the Virginia Fish Passage Grant and Revolving Loan Fund for a fish tournament.

Recommendation:

DGIF should identify a funding source that allows for funding fish tournaments and reimburse the Virginia Fish Passage Grant and Revolving Loan Fund.

Ray Davis should be held accountable for making decisions involving the funding source for the bass tournament. Management should ensure that restricted funds are not used for activities that do not fall within the limitations of the fund.

Management Action

Mr. Davis has provided us with documentation that shows that the Fish Passage Grant and Revolving Loan Fund was reimbursed with interest on 3/15/05.

Allegation # 13- Inappropriate Purchase of Uniforms

Findings of Fact:

The Law Enforcement Division General Orders states that a Class D uniform consists of a Department/Division approved shirt, pants, jacket, cap, and shoes. The General Orders only pertain to the sworn officers.

Dispatch personnel have been issued uniforms; different management individuals have stated that the uniforms are/are not required to be worn. Per one SLAP team member, the team wears plain clothes on work assignments and does not have a standard uniform. This was confirmed by Mr. Woodfin and Major Pike. They stated that in many cases the Team works in situations where an official uniform would be inappropriate and compromise their work. An example is the suits, shirts, and ties purchased by one member of the SLAP team.

These "uniforms" are paid for with state funds. For example, Major Bise bought uniforms for dispatch office personnel on 9/11/03 from Ukrops Dress Express for \$809.65, which included polo shirts, ladies cargo pants, and ladies easy care pants; and Colonel Bradbery bought 6 pairs of pants and 2 vests from Galyans Trading Company on 2/19/04 for \$689.91. In the American Heritage Dictionary, the definition of uniform is "always the same, unvarying, without fluctuation, being the same as another or others, and consistent in appearance." These uniforms do not fit that definition. CAPP Manual Section 20310, "Expenditures," includes non-uniform clothing as an improper expenditure.

Neither the State Police, nor any other law enforcement-type agency we checked with, buys plain clothes for its troopers, nor do they get a clothing allowance. The State Police does replace specific uniform items when necessary. Within its training manual the State Police outlines the specific uniforms and the standard equipment that officers are allowed to have. Any deviations must be approved. The Marine Resources Commission has similar policies regarding uniforms and equipment within their General Orders.

Mr. Woodfin told us that non-sworn staff are required to wear a logo shirt and khaki or green pants, the fisheries personnel wear Carhart jeans. He stated that he wants the staff to represent the agency in a professional manner, in particular when dealing with the public, it is good to have name recognition.

Conclusion:

The allegation is substantiated. Uniforms paid for with state funds should be necessary for work and be the same and unvarying. With the exception of the logo shirts, the Class D, Dispatch, and SLAP uniforms do not meet that criteria and are therefore improper expenditures.

The purchase of logo shirts for agency personnel would fall within the guidelines of the state financial accounting policy; however, the purchases of trousers and pants that can also be worn for personal use do not fall within that policy.

Recommendation:

The Law Enforcement Division General Orders section on uniforms should clearly document standard uniform requirements for sworn Law Enforcement employees based on job responsibilities. The requirements should document authorized purchases with state or personal funds. There should also be a process for approval of purchases that are exceptions to the requirements.

If the agency is going to require non-sworn staff to wear specific attire, the requirements should be clearly documented and understood by everyone, to include what is an authorized agency or personal expense. Further, in the case of personal type items that management may require to be worn by agency employees, management should obtain an exception of CAPP Manual requirements from the Department of Accounts.

Allegation # 14- Inappropriate Purchases for Field Testing Clothing and Equipment

Finding of Fact:

Many items are purchased by the Law Enforcement Division, allegedly for field testing. The purpose of this is to identify clothing and equipment that work well and should be considered for all game wardens. Allegedly, the SLAP team is the primary group that performs the testing. The team uses an informal process of sending emails regarding how items are working in the field.

There are no documented policies or procedures for the field testing of clothing and equipment. Further, it does not appear that any formal evaluation criteria is established prior to field testing, no time frames are identified, and test results are not formally documented. (In many cases, it is not known whether or not items are accepted, and whether they were made available to everyone.) Also, the EWP's for SLAP team members do not address any requirement to conduct field testing of clothing and equipment. Furthermore, there does not appear to be any documented justification, needs assessment, or process for what should be purchased for field testing.

A review of AMEX card purchases revealed that Boyd, Bradbery, Caison, Pike, and Renalds were the primary purchasers of items for field testing. Using knives as an example, Bradbery, Caison, and Pike made 9 knife purchases, purchasing 42 knives costing \$5,222 during the period of 11/14/03-8/16/04. All of these purchases were allegedly for determining an appropriate knife for the SLAP team and/or game wardens.

Mr. Woodfin has stated and given examples of other items that have been recommended by game wardens to be tested, and have been purchased by the agency.

Conclusion:

The allegation is inconclusive. However, there is no formal process or controls in place for identifying criteria, documenting results, necessary follow-up, or purchase of items field tested. It appears that items are purchased because they may be useful to the agency, rather than a formal process to determine what is needed by game wardens.

Recommendation:

To ensure that items purchased for field testing are actually and adequately tested, DGIF should set up a formal process with appropriate forms that identify the item to be tested, the criteria by which it will be evaluated, who will perform the test, the results of the test, and the decision as to whether to buy the items for some or all game wardens. A business-based justification for field testing an item(s) should be performed prior to the purchase of the item(s) to be tested to ensure it supports the mission of the agency.

Allegation # 15- Placement of 2 Personal Watercraft (PWC) and All Terrain Vehicle (ATV) at Hoffler's Estate

Findings of Fact:

At the request of Michael Caison to Lt. Steve Garvis and Garvis' captain Mike Minarik, Minarik approved the purchase of 2 PWC's and 1 ATV for the Eastern Shore. The PWCs were purchased on 8/19/04 and the ATV on 10/6/04. Caison requested that the equipment be kept at Daniel Hoffler's estate. It was understood that the primary reason for the request was to provide a presence at Hoffler's beach because of the large number of trespassers experienced there. Another reason for that placement was because Hoffler had sheds capable of storing the equipment, and they could be used to monitor the area around the estate. Across the water from the estate is the Cherry Point Campground and nearby are two marinas. There was anticipation that there would be a need for the equipment because of the increased activity surrounding the area because one of the marinas was new.

Due to the Campground location, Hoffler's inviting beach across the water and lack of no-trespassing signs on his beach, Hoffler had experienced a large number of trespassers. This required game warden presence about twice each weekend during the summer.

Caison has stated that Garvis requested the PWCs and ATV and that it was Garvis decision as to the location of the equipment. In an email to Garvis dated 7/21/04, Caison stated "I am writing to inquire the status of the ATV & PWCs purchase for your district. As you remember, I called you several weeks ago after the Director inquired about placing a pair of PWCs and an ATV in your district. I have been asked to check on the progress of their acquisition. Please advise ASAP."

Caison stated that other private citizens have allowed DGIF the use of facilities or access. Mr. Woodfin has stated that when the equipment first arrived it "had to be registered and readied for use. They were stored in a barn owned by Mr. Hoffler before this occurred and the fact was unknown to any of us including Mr. Hoffler."

Mr. Hoffler expressed an emphatic no, when asked if he had requested DGIF to increase patrols near his property. He stated that it was actually less patrolled than other areas. He did say that he would call people if there were trespassers on his property. Mr. Hoffler further stated that he has provided docking and storage areas to DGIF for 20 years, and has allowed various law enforcement agencies to use his property as staging areas for investigations into accidents or other matters.

Caison stated that DGIF does use private property of other individuals when available for storing equipment or gaining access through their property.

Per [REDACTED], there is a greater need for these vehicles at other places within Region 1. There are only 4 PWCs and 5 ATVs for Region 1, which [REDACTED]. That region consists of the Tidewater area and includes the following rivers: Elizabeth, James, York, Mattaponi, Pamunkey, Chickahominy, and Rappahannock. [REDACTED] has stated that he would have placed the 2 PWCs and 1 ATV elsewhere if it had been his choice.

Conclusion:

The allegation is substantiated. It is inappropriate for the equipment to be maintained at the home of the Board Chair. There appears to be an excessive game warden presence at Hoffler's estate considering the size of the Eastern Shore and the small DGIF staff (3 employees).

This activity gives the appearance of special treatment for the Board Chair, and begs the question as to whether DGIF would have the capability of providing this type of service to any citizen that requests it, even though management has stated that DGIF would provide this service to anyone that asked.

Recommendation:

DGIF should formally review game warden activity in Region 1 to identify the best location for equipment. DGIF should ensure there is adequate coverage of the entire region, including the Eastern Shore. The agency should refrain from giving the appearance of preferential treatment to anyone.

Allegation # 16- Multiple Hunting Show Conventions Attended by the Same Individuals and Board Members

Findings of Fact:

Per the applicable web sites, the "Shot Show" is a show to exhibit manufacturers and distributors of firearms and hunting accessories. The Safari Club International (SCI) Convention is a hunters' convention that includes seminars on subjects such as world hunting, firearms, archery, and taxidermy. The National Wild Turkey Federation (NWTF) Convention allows attendees to meet professionals in the general and turkey hunting industry and purchase the latest hunting gear.

AMEX statements and travel vouchers revealed that Hoffler, Woodfin, Bradbery, and Harry Street, attended the 2003 "Shot Show" costing \$2,640.99; this amount includes registration fee of \$15 for Caison who apparently did not attend because no airfare or travel expenses were charged to DGIF. Hoffler, Woodfin, Bradbery, and Caison attended the 2003 SCI Convention costing \$5,068.03. Hoffler, Woodfin, and Caison attended the 2003 NWTF Convention costing \$1,265.95. Bradbery, Caison, Street, and Pike attended the 2004 "Shot Show" costing \$3,427.85; this amount includes registration fees of \$15 each for Hoffler and Woodfin who apparently did not attend because no airfare or travel expenses were charged to DGIF. Hoffler, Woodfin, Bradbery, Caison, and John Montgomery, a Board member, attended the 2004 SCI Convention costing \$6,487.28. Hoffler, Woodfin, Bradbery, Caison, Herb Foster and Cecil Campbell, Board member,

attended the 2004 NWTF Convention costing \$3,537.70. Total cost for the six conferences was \$22,427.80.

Registration to these events occurred in November or December prior to the event and air travel was procured in December or January. The events occurred in late January and mid to late February each year. Per DGIF records, these conventions were not attended by the mentioned DGIF employees or Board members in 2005.

Florence Harding's AMEX card was used on 1/7/03 to pay \$457 for Mr. Hoffler's wife's airplane cost to the 2003 SCI Convention. Per Harding, this payment was made at Caison's request. The amount was repaid by Mr. Hoffler on 1/28/05, over two years later.

Mr. Hoffler did not recall asking Mike Caison or anyone else to do this. He said that he would have reimbursed the funds much sooner had he known he owed the agency this money.

Woodfin, Bradbery, Caison, and Pike stated that attending these conventions was helpful in identifying new equipment that might be used by the agency and making contacts with vendors. It was beneficial for the same individuals to attend the conventions annually because the vendors would get to know them and would more likely provide detailed information regarding available equipment. The NWTF has worked a lot with Virginia on Virginia's turkey population and has been a real friend to the state. Mr. Woodfin also stated that upon return from such conventions, he would sit down with the various staff and provide them information on items for which the agency might be interested.

Mr. Hoffler thought it was absolutely necessary for senior management, including Board members to attend these conventions. In fact, he stated, "do not stop it!" He also thought that more people should go, he believes wholeheartedly in those shows. He also said that he is not the one who decides who goes.

Street indicated that while at the Shot Show, he purchased for Outdoor Education thousands of dollars worth of equipment because he could get dealer discounts of up to 50%. He also brought back information on new items that DGIF might consider purchasing.

██████████, North Carolina Wildlife Resources Commission Law Enforcement Division, said that state has not sent anyone to the Shot Show for the last 6-8 years, sends no one to the Safari Club International, and sends someone to the NWTF conference but not every year; the division's officer of the year goes to the state NWTF conference. For West Virginia, one representative of the Director of Natural Resources attends the Shot Show, no one attends the Safari Club International, and 1-2 individuals from the Wildlife Division attend the NWTF convention; no one from law enforcement attends these conventions. For Kentucky, no one attends the Shot Show, individuals attend the Safari Club International but not law enforcement, and 2-3 law enforcement employees (colonel and officer of the year and that officer's captain) and 2-5 wildlife

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employees attend the NWTF convention. For Tennessee, no one in law enforcement attends the Shot Show and only one individual once in the last five years from hunter education (a separate division) attended that convention, the Safari Club International is only attended when an individual is receiving an award, and one individual is sent each year to the NWTF convention.

Mr. Woodfin has indicated to us that one of the expectations of the Board is for him to be out in the public and to attend these functions to represent the agency. He provided letters from various Board Chairmen that indicate their expectations of the Director.

Conclusion:

The allegation is partially substantiated. Based on the web site descriptions, the "Shot Show" and SCI and NWTF conventions do provide benefit to DGIF. Attendance by one or two employees to one of these events annually who have direct involvement in using applicable equipment or hunter education would seem reasonable. But to have Board members and the same employees (Woodfin, Bradbery, and Caison) attending multiple conferences each year, especially during a time of severe budgetary constraints appears to be a waste of state dollars. Information from Virginia's sister agencies in North Carolina, West Virginia, Kentucky, and Tennessee supports that conclusion.

It is improper to use state funds to pay for expenditures incurred involving non-state business such as in the case of Mr. Hoffler's wife. When mistakes occur involving such expenditures, the agency should have procedures in place to notify the individual in a timely manner so that timely repayment can be made.

Recommendation:

Conference attendance should be based on agency need and employee expertise. There may be times when the agency will want to reward employees with a conference to attend, if it is in conformity with an agency reward and recognition policy. But even then the conference attended should be one that can enhance the employee's skills or agency's mission. State funds should not be used to pay expenditures for individuals to attend events that have only limited benefit to the agency.

Allegation # 17- Inappropriate Beginning Salary Compensation

Findings of Fact:

On 9/10/04, DGIF hired 17 game warden recruits at a starting pay of \$31,323. The advertised salary range was \$27,323-\$32,657. Nine of the 17 recruits starting salaries were 22.53% to 502.37 % greater than their prior salary and \$1,925.55 to \$4,000 greater than the minimum starting pay advertised and minimum of the pay band. DHRM Policies and Procedures Manual Policy No. 3.05, "Compensation" states "starting pay is negotiable between the minimum of the Pay Band or Alternate Band up to 15% above the applicant's current salary. If salary negotiations within 15% are unsuccessful, agencies' may negotiate offers that exceed 15%, with the approval of the agency head or designee, when recruitment results in no reasonable alternative selection. Agencies must document

that pay factors were considered to ensure that an appropriate salary was offered to secure job acceptance."

DGIF's unapproved Agency Salary Administration Plan, which Ray Davis, Director of Administration, said was followed by the agency, states "The recommendation is for starting pay to be from a minimum of the advertised pay range negotiable up to a maximum of 10% above their previous relevant salary not to exceed the top of the pay band." There were another two recruits whose starting salary was between 14% and 15% above their previous salary.

The pay action worksheets for all 17 recruits hired says in part that "Upon review of our game warden starting pay, I (Terry Bradbery) believe our practices are inconsistent with other State agencies and are substandard in comparison." No documentation was provided to support that statement and no documentation was provided to indicate that salary negotiations occurred. Bradbery, Col. Herb Foster, and Director William Woodfin signed off that the salary action data was appropriate. This decision is normally the responsibility of the Human Resources Director.

This action exacerbated a salary alignment or compression problem at DGIF. Twenty-four game wardens who have been working at DGIF one to eight years are making the same salary or less than these recruits.

Woodfin has stated that [REDACTED], Human Resources did not provide guidance as to the appropriate starting salary but [REDACTED], Human Resources, assisted in determining the starting salary. [REDACTED] has stated that he provided information as to why the starting salary figure could not be set upfront but should be based on the candidates' prior salary and DHRM-documented pay factors including knowledge, skills, and abilities. [REDACTED] also provided a 2003 salary survey report from Department of Human Resource Management (DHRM) which shows that Virginia ranked 5th of 14 nearby states in average salary for game wardens and on average was making \$1,223 more annually than the Virginia State Police trooper II position. [REDACTED] has also documented that she was not involved in the starting pay decision even though she is the Human Resources representative to the Law Enforcement Division.

Bradbery has stated that he based the salary decisions on research performed by [REDACTED], Human Resources. Per [REDACTED], the research referred to must be the DHRM report. This report did not justify the \$31,323 salary.

The agency is currently hiring more recruits. The advertisement for the positions listed a salary range of \$31,323 to \$32,000. On 3/7/05 an offer letter went to one recruit offering an annual salary of \$31,323. On 3/21/05, Woodfin sent a letter to DHRM asking whether it was appropriate to offer the \$31,323 salary. In her response on 4/4/05, Sara Wilson, Director of DHRM, said "DGIF must have documentation concerning the factors considered in arriving at the appropriate advertised hiring range."

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In the 3/21/05 letter Woodfin states that [REDACTED] did not provide clarity prior to the salary offers to the previous recruits. But in a letter dated 8/9/04, [REDACTED] did provide clarity to Woodfin as to what should be considered when determining the appropriate starting pay.

Mr. Woodfin and Mr. Hoffler told us that the agency was initiating actions to address the salary alignment problem for game wardens that had several years of service but were being paid less than the recruits. Both said that someone higher than them told them to stop all initiatives. However, they would not state who that person was.

Conclusion:

The allegation is substantiated. DGIF's salary action for these recruits is not in compliance with DHRM Policy and has made worse a salary alignment issue. It appears that the agency decided upfront what the beginning salary would be without considering the ramifications of the decision.

Furthermore, they did not comply with the draft Salary Administration Plan that Mr. Davis told us was being followed even though it was a draft.

Recommendation:

DGIF should comply with DHRM requirements and use the expertise of the Human Resources staff to provide guidance regarding pay actions.

Allegation # 18- No Approved Agency Salary Administration Plan

Findings of Fact:

DGIF does not have an approved Agency Salary Administration Plan. DHRM Policies and Procedures Manual Policy No. 3.05, "Compensation" dated 9/25/00 defines the Agency Salary Administration Plan as the document which "outlines how agencies will implement the Compensation Management System and is the foundation for ensuring consistent application of pay decisions. The Agency Salary Administration Plan addresses the agency's internal compensation philosophy and policies; responsibilities and approval processes; recruitment and policies; recruitment and selection process; performance management; administration of pay practices; program evaluation; appeal process; EEO considerations and the communication plan."

According to Ray Davis, even though the Salary Administration Plan has not been formally approved, DGIF follows the requirements contained in the draft.

Conclusion:

The allegation is substantiated. An approved Agency Salary Administration Plan is a requirement of DHRM but DGIF has not had one for the 4½ years since the policy was implemented. The Plan helps to ensure consistency in recruitment, hiring, performance evaluation, and compensation practices. DGIF should have an approved Plan in place that

applies to all divisions of DGIF. Enforcement of this Plan rests with the DGIF Director and Human Resources.

Recommendation:

DGIF should complete the Salary Administration Plan, have it approved, and provide a copy to DHRM as required. All divisions should be required to comply with this Plan.

Allegation # 19- Increased Ratio of Law Enforcement Officers (Lieutenants and above), to Staff

Findings of Fact:

On 6/30/91, there were 174 sworn positions filled at DGIF, 21 lieutenants and above, and 153 sergeants and game wardens. This was a ratio of management to staff of 1:7. On 1/7/05, there were 178 sworn positions filled, 43 lieutenants and above, and 135 sergeants and game wardens; this was a ratio of 1:3. There has also been an increase from one colonel to two, two majors to three, and five captains to seven. The colonel and major increases were documented as being due to realignment of job duties.

Comparing total positions available in the Law Enforcement Division, shows that on 6/30/91, there were 195 sworn positions, 22 lieutenants and above, and 173 sergeants and game wardens or a ratio of 1:8. On 1/31/05 there were 188 sworn positions, 48 lieutenants and above, and 140 sergeants and game wardens or a ratio of 1:3.

Management has stated that the increase in management has been due to changes in agency responsibilities. For example, the increase to three majors was due in part to DGIF now having some responsibility to monitor possible terrorist and gang activity, and to plan for a response in the event of a terrorist attack.

Conclusion:

The allegation is substantiated. There has been a sharp decrease in the ratio of staff to management. But there has also been an increase in the agency's responsibilities over the years, especially since 9/11.

The agency, however, should have supporting documentation, and be able to show justification for the need to decrease the staff to management supervision requirements. DHRM Policy 3.05, "Compensation," states that agency business need is one of the thirteen Pay Factors used for pay determination purposes. Agency business need includes the organizational requirements that are derived from the agency's mission. No documentation was provided to justify the current management and supervision requirements.

Recommendation:

DGIF should formally review Law Enforcement activities to determine whether the substantial decrease in staff to management supervision requirements over the last 13 plus years is justified and enhances the agency's ability to meet its mission requirements.

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This review would also help management determine the Maximum Employee Level (MEL) necessary for the agency to meet its current mission.

Allegation # 20- Game Warden Salary Increase Possibilities Limited

Findings of Fact:

Most DGIF divisions have some type of in-band adjustment process. This is a non-competitive pay practice within DHRM Policy 3.05, "Compensation," which allows agency management flexibility to provide potential salary growth and career progression within a Pay Band based on various pay factors such as improved knowledge, skills, and abilities. The Law Enforcement Division has not implemented an in-band adjustment process and therefore relies on cost of living increases and promotions for salary increases.

Conclusion:

The allegation is substantiated. Salary increases in the Law Enforcement Division are impeded because the Division does not use the in-band adjustment process.

Recommendation:

DGIF should consider including the Law Enforcement Division within the in-band adjustment process. This process will allow game wardens to receive salary increases for improvements made in their knowledge, skills, and abilities or other pay factors without having to be promoted. The ability of the agency to fund and sustain these actions must also be considered.

If DGIF implements this recommendation, the agency should consider requesting the General Assembly delete Code of Virginia Section 29.1-200 B. This section currently states "All appointments to sworn law-enforcement positions above the rank of game warden within the Department shall be made by the Director of the Department from among the sworn game wardens, except for those positions designated in subdivision 20 of § 2.2-2905, or whenever the Director determines, in writing, that a position requires knowledge, skills, or abilities such that a sufficient pool of qualified candidates does not exist within the Department."

Due to the wording of this Code section, the agency director is under a great deal of pressure to hire from within the Department even when there appears to be an insufficient pool of candidates. For example, only three individuals applied for the colonel's position filled in 2004 but no exception was made by Woodfin. No other division within DGIF has such a restriction. On the other hand, although the State Police have such a restriction, that agency has 1,887 sworn positions while the DGIF Law Enforcement Division has only 178; this large number of positions allows the State Police 10 times greater opportunity to have a sufficient pool of candidates for management positions from within that agency.

Making this change has the potential of attracting individuals from other states or in-state law enforcement agencies.

Allegation # 21- Inappropriate Lateral Role Changes

Findings of Fact:

On 3/21/02, [REDACTED] role title was Administrative and Office Specialist III in the Outdoor Education Program as stated in her EWP. In that capacity, [REDACTED] worked with outdoor education instructors, coordinated events, and supported administrative functions. In approximately March 2003, she began providing administrative support for then Major Terry Bradbery who was responsible for Law Enforcement Division administrative functions including recruitment. In September 2004 [REDACTED] began working as the game warden recruiter for the Division.

On 9/29/02, Ray Davis, Director of Administration, via email directed [REDACTED], to assist [REDACTED] in expediting a transfer of [REDACTED], Wildlife Diversity Biologist, to Grants Policy and Planning Coordinator. In the email, Davis stated "It appears that [REDACTED] is qualified and willing to lateral into this position. Please assist [REDACTED] to expedite this transfer and change of duties within the job # which [REDACTED] occupies currently. This will avoid what may be a lengthy hold-up downtown in filling this important position." On 10/28/02, [REDACTED] stated via email to [REDACTED], "My start time for my new position is still unknown." On 12/26/02, in an email to various DGIF staff [REDACTED] listed himself as Grants Coordinator. On 3/31/03, in an email from [REDACTED] to HR, [REDACTED] notified HR of [REDACTED] transfer from Environmental Services to Communications. On 7/1/03, [REDACTED] was moved from Wildlife Diversity Biologist to Grants Policy and Planning Coordinator on the Report of Position Establishment, Data Change, or Abolishment; the reason given on the report was that job duties had changed. Evaluations were prepared for Wilcox in 2003 and 2004 based on his grants job by his supervisor, [REDACTED].

DHRM Policy 3.05, "Compensation," allows movement within the same pay band. "From time-to-time agency business (staffing or operational) needs may require the movement of staff. The position to which an employee is reassigned may be in the same or different Role within the same Pay Band." But this action should not be arbitrarily performed. Instead it should be a thought out process because DHRM Policy 2.05, Equal Employment Opportunity," states "the prohibition against employment discrimination applies to all aspects of the hiring process and employment practices, including role change."

The two positions [REDACTED] and [REDACTED] moved to did not exist prior to the move. No documentation was provided as to the reasons for the changes or why [REDACTED] and [REDACTED] were qualified for the positions. No reorganization was documented. No new EWPs were completed for the positions. No consideration was made regarding individuals at DGIF or outside candidates who might have applied for the positions such as the grants'

accountant for the grants position. No consideration was made regarding the need to consider minorities for the positions.

Conclusion:

The allegation is substantiated. The positions to which [REDACTED] and [REDACTED] moved were clearly different from their prior jobs. That is, just because they were competent to perform their prior jobs did not necessarily mean they could adequately perform the new responsibilities. DGIF has not documented reasons for moving them to different roles within the same pay band. Since no such documentation has been provided, it appears that [REDACTED] and [REDACTED] were arbitrarily placed in those positions for non-justifiable reasons. Also, [REDACTED] annual evaluations since the move have been based on a non-existent EWP.

Recommendation:

DGIF should assess and document the need for these two positions.

If the positions are needed, the agency should provide documentation as to why these lateral transfers are the best way to fill the positions. That is, document how [REDACTED] and [REDACTED] are qualified for the new positions, why this is the best utilization of agency human resources, justify why there were no other agency employees as well suited for the positions, and how equal employment opportunities for minorities were considered. If justified, then EWPs should be developed and their annual evaluations completed based on that new EWP. If not justified, the positions should be advertised and a competitive hiring process performed.

Allegation # 22- Inappropriate Upward Role Change

Findings of Fact:

In May 2003, [REDACTED] began investigating the feasibility, value and cost effectiveness of DGIF running its own training academy for new recruits.

Through a competitive hiring process, [REDACTED] was promoted from game warden to training sergeant on 1/2/04. [REDACTED] was brought in for administrative support in April 2004. [REDACTED] worked on the training academy planning including lesson plans, scheduling and recruiting; the first class started in September 2004. On 11/10/04, Terry Bradbery reallocated [REDACTED] from Band 4 Academy Sergeant to Band 5 Academy Lieutenant. The reason given on the Report of Position Establishment, Data Change, or Abolishment, was reallocation. No changes were made to [REDACTED] or [REDACTED] positions.

DHRM Policy 3.05, "Compensation" states that an upward role change is permissible when a position is changed to a different Role in a higher Pay Band. No documentation was provided as to the change in role. No new EWP was completed for [REDACTED]. No new EWP was completed for [REDACTED] for his involvement in the academy.

Bradbery has stated that [REDACTED] was promoted to lieutenant because he now had supervisory responsibility for the 17 recruits. According to management, sergeants do not normally have supervisory responsibility.

Conclusion:

The allegation is substantiated. Although Bradbery has stated the reason for [REDACTED] promotion from Sergeant to Lieutenant, no documentation was provided to support the promotion. No assessment was made as to changes in job duties for [REDACTED] or [REDACTED] even though [REDACTED] created the academy and both [REDACTED] and [REDACTED] also had changed job responsibilities when the academy started training recruits in September 2004.

Recommendation:

Documentation should be provided to justify why [REDACTED] should have received this promotion including how his job duties changed prior to the promotion. The justification documented for [REDACTED] should include an assessment of the actual supervision provided to the recruits since day-to-day supervision ends when the recruits become game wardens. An assessment should also be made regarding the changed job duties for [REDACTED] and [REDACTED] since their last EWP to determine whether they should also receive a promotion. New EWPs should be created for [REDACTED] and [REDACTED].

Allegation # 23- Inappropriate Temporary Pay Increase

Findings of Fact:

On 11/1/01, permanent Special Law Enforcement Assistance Program (SLAP) team positions were established according to the EWPs. On 8/1/04, Steve Pike, Michael Caison, and William Woodfin approved a 10% temporary pay increase for four members of the SLAP Team: [REDACTED]. On the pay action worksheets the expiration date is "upon termination from SLAP Team."

DHRM Policy 3.05, "Compensation," states "agencies may provide temporary pay to an employee who is assigned different duties on an interim basis or because of the need for additional assignments associated with a special time-limited project."

No documentation was provided to indicate any different duties being performed on an interim basis or additional assignments associated with a special time-limited project.

Management indicated they wanted to treat the SLAP team similar to the covert team. The covert team has 3 permanent members and 2-3 game wardens are brought in as needed for special assignments and given temporary pay.

Conclusion:

The allegation is substantiated. The SLAP team positions are permanent by definition and therefore the temporary pay granted is not allowable under DHRM policy.

Recommendation:

If DGIF wants to make the SLAP Team positions temporary then a schedule of rotating members off the team should be established and documented. If the agency wants permanent positions, it should establish the positions at the same or higher role and/or band and competitively hire or non-competitively transfer individuals into the positions.

Allegation # 24- Boyd Selling Candles on State Time for Bradbery

Findings of Fact:

Betty Boyd maintains in her office an inventory of candles made by Col. Bradbery and [REDACTED]. Boyd has stated that she sells candles during the state work day if other employees request them. Boyd called the business only a hobby and did not see anything wrong with doing this activity during her work day. Boyd said she also took the candles to craft shows to sell them. Bradbery stated to us that the candles were not sold.

Conclusion:

The allegation is substantiated. It is an improper use of state time and facilities to use them to sell items for a private business.

Recommendation:

Boyd and Bradbery should be disciplined for using employee time to sell items for a private business while on state property and state time.

Allegation # 25- Boyd and Bradbery Membership to the Richmond Athletic Club

Findings of Fact:

Membership to the Richmond Athletic Club was provided to 17 game warden recruits and 3 DGIF employees: Betty Boyd, Terry Bradbery, and Milton Robinson. The Club provides equipment which assists the recruits in becoming physically fit to pass the training requirements of DGIF and become game wardens.

Robinson is the officer responsible for training the recruits. Boyd and Bradbery provide recruit supervision on those days when Robinson cannot be at the training facility. Robinson's responsibility consists of ensuring that all recruits attend the training facility and complete the required exercise regimen, relays information to the recruits regarding changes in the day's schedule, handles injury incidents, and answers citizen questions regarding the recruits training at the Club. During the October 2004 period, for example, the recruit training schedule included 12 days at the Club. A couple of times when Robinson was scheduled, but unable to be at the Club due to inclement weather, another game warden (not a member) came to the Club to assist and the Club allowed that game warden to perform the administrative requirements at no cost to DGIF.

Colonel Bradbery has stated that Lt. Robinson asked for volunteers to help out at the Club, but since no one else volunteered he did. Robinson has indicated that the Club has

been easy to work with and probably would not require administrative personnel to be members.

Mr. Woodfin has stated "It was the intent of DGIF from the beginning to establish and equip its own physical fitness facilities for training purposes. However, the August 2004 flood caused by tropical storm Gaston resulted in us postponing the acquisition of this equipment, and it was necessary for the Department to acquire a group membership in a physical fitness club to insure that our new recruits met the DCJS training requirements. To insure that the recruits attended the required physical fitness training, staff volunteers were requested to be at the facility to document participation and supervise the recruits."

The group membership was contracted for on 6/21/04, two months prior to Gaston, for the 7/1/04-12/31/04 period. The only individuals paid for during July 2004 were Boyd, Bradbery, and Robinson. The August 2004 bill included the 17 recruits and Boyd, Bradbery and Robinson; however, the recruits did not begin employment at DGIF until 9/10/04 and did not attend the Club the first time until 9/20/04.

Conclusion:

The allegation is substantiated. Membership to the Club may not be necessary for Boyd or Bradbery since they are only substitutes for when Robinson cannot be present. The Richmond Athletic Club may be amenable to not requiring membership for those providing supervision to the recruits since only one supervisor is required at a time. For the same reasons, membership for Robinson may not be necessary since he only has oversight responsibility over the recruit exercise training.

Recommendation:

DGIF should contact the Richmond Athletic Club regarding the necessity for DGIF employee membership when performing oversight responsibilities associated with recruit training. If unnecessary, membership should be limited to the recruits. If necessary, membership should only include the primary training instructor, and maybe a substitute from the academy.

If it is determined that the Club will continue to charge the agency for the supervisory personnel, another possibility might be that the agency can get an organizational membership limited to the recruits and a supervisor. This could provide access to anyone that is in charge of the recruits on a given day. Since there only needs to be one supervisor present at a time, there should be no need to pay for extra memberships.

Allegation # 26- Inappropriate Relationship with US Marshal's Office

Findings of Fact:

DGIF entered into an agreement in 2003 with the US Marshal's Office Western Division to become a member of the Blue Ridge Fugitive Apprehension Strike Team. In relation to that agreement, the SLAP team members were deputized as US Marshals. DGIF loaned the US Marshal's Office through an intergovernmental automobile usage agreement on

2/26/04 a 2001 Dodge Durango for the 1 year period of 2/26/04-2/25/05 and through a firearm loan agreement 10 M-4 automatic rifles with return of the firearms upon request. Another intergovernmental automobile usage agreement was entered whereby DGIF loaned the US Marshal's Office a 1998 Jeep Cherokee SUV for the period of 6/18/04-6/18/05. An acknowledgment was made on 5/18/04 by DGIF for donated metal detectors from the US Marshal's Office.

The US Marshal in the Western Division is Wayne Pike, the father of Major Steve Pike.

Although DGIF worked with the US Marshal's office to extradite someone from Maryland in 2004, we were told that action could have been performed in other ways. The US Marshal's have also provided transportation of prisoners after arrests. No other action has been identified between the two entities.

All game wardens are deputized with federal law enforcement capabilities with the US Department of Fish and Wildlife.

According to Woodfin, the M-4s were loaned to the US Marshal so they could train with them until they received their own weapons. Mr. Woodfin has told us that the M-4s have been returned. They have been returned and were sighted by us on 4/15/05.

Conclusion:

The allegation has been substantiated. We agree that all law enforcement agencies should, and must cooperate with and support each other during some operations; however, the agreement appears to benefit the US Marshal's office more than it benefits DGIF. DGIF can perform extraditions without the US Marshal's because extradition arrangements are between states not with the federal government. DGIF already has federal arrest authority with the US Department of Fish and Wildlife.

Recommendation:

DGIF should reassess the agreement with the US Marshal's Office due to the limited benefit to the agency and consider canceling that agreement. Using state resources to provide equipment to non-state agencies is a questionable use of resources.

Allegation # 27- Inappropriate Attendance at an Israeli Anti-Terrorism Conference

Findings of Fact:

DGIF's involvement in Virginia's Homeland Security plan consists of providing assistance, upon request, to the Virginia State Police in situations involving explosives. DGIF also supports the Department of Environmental Quality, which is responsible for coordinating response and recovery operations relating to the environment.

On 7/19/04, George Foresman, Governor's Office of Commonwealth Preparedness, approved for DGIF to send law enforcement officers to an anti-terrorism conference in Israel. Foresman required a report be produced from what was learned at the conference

within 14 days of returning from the conference and that a briefing be scheduled with appropriate agencies within that same time to provide a verbal overview in addition to the written report.

Steve Pike and Steve Shires attended the anti-terrorism conference in Israel during the 9/5/04-9/13/04 period. Total cost for the trip was \$5,398. The conference agenda consisted of Homeland Security Research Programs, Suicide Terrorist-detecting the suicide terrorist, Port Authority security, Airport security, Border security, Undercover Antiterrorist Commando Unit, special counter-terrorist security briefing, intelligence gathering, and Israeli weapons training.

In November 2004, Charlie Sledd indicated that a report was provided to Foresman regarding the conference. Although Foresman remembered talking with Sledd, Foresman did not recall whether a report was given to him and has not been able to locate a copy of the report for DSIA review. Mr. Woodfin stated "These two individuals have received very high level training and they are sharing that information with the appropriate audiences." But DGIF has not provided to DSIA a copy of the report or documentation to indicate that a briefing occurred with appropriate state agencies or DGIF game wardens. A briefing was provided to the Virginia Sheriff's Association per a letter from that Association.

Conclusion:

The allegation is unsubstantiated. The conference agenda appears to be within the scope of DGIF's responsibilities for Homeland Security. Further, Foresman indicated that the Israeli's were the preeminent trainers on terrorism. But DGIF has not provided verification that a report exists and has not briefed state agencies or DGIF game wardens regarding information learned at the conference over 7 months ago as required by Foresman.

Recommendation:

DGIF should prepare a report of information learned at the anti-terrorism conference and provide a briefing to applicable state agencies and game wardens as required by the Office of Commonwealth Preparedness.

Allegation # 28- [REDACTED] **Home Base**

Findings of Fact:

As a [REDACTED], an allegation regarding [REDACTED] home base not being Richmond was previously investigated by DSIA. [REDACTED] became a major on 10/26/04 and continues to have his home base as the [REDACTED]. [REDACTED] current responsibilities include the SLAP team, EPU, covert operations, and Richmond office security.

Review of travel reimbursement vouchers for the period of 10/26/04-3/7/05 revealed no charges for mileage or hotels in Richmond, Virginia.

Conclusion:

The allegation is unsubstantiated. [REDACTED] has established his home base as Richmond.

Recommendation:

This issue has been resolved. Management has taken corrective action.

Management Action:

On 3/16/05, [REDACTED] certified that he had established residence in Mechanicsville, Virginia. Mileage in excess of 60 miles used for purposes of returning to the [REDACTED] [REDACTED] would be added to his income, and he would relocate his family within two years to Richmond.

Allegation # 29- Conflict of Interest When Purchasing Camouflage Uniforms**Findings of Fact:**

Prior to the initial solicitation for bid on 3/28/02, William Woodfin allegedly suggested to Col. Herb Foster that it would be good if [REDACTED] pattern camouflage uniforms could be purchased. If [REDACTED] was not the pattern selected, that would be okay. Woodfin has stated that he thought it would be good if a Virginia company got the bid.

According to [REDACTED], [REDACTED] sold [REDACTED] to Mossy Oak in 2000. Mossy Oak owns [REDACTED] [REDACTED] stated that [REDACTED] and this position is reported on [REDACTED] Statement of Financial Interest. Furthermore, [REDACTED] was not appointed to the Board until 7/2/02, which negates any potential conflict of interest at the time the contract was awarded.

Conclusion:

The allegation is unsubstantiated. There is no conflict of interest because [REDACTED] was not on the Board at the time of the solicitation or award of the contract to Mossy Oak Apparel Company.

Recommendation:

No recommendation, the issue has been resolved.